

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

WAYNE BRITTINGHAM and wife,  
TANYA BRITTINGHAM,

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WELLS FARGO BANK, N.A. and  
FEDERAL HOME LOAN MORTGAGE  
CORPORATION,

Case No. 4:11-cv-323-Y

## JURY

*Defendants.*

**PLAINTIFF'S NOTICE OF APPEAL**

Notice is hereby given that Wayne Brittingham and Tanya Brittingham, Plaintiffs, in the above-styled and numbered cause, hereby appeal to the United States Court of Appeals for the Fifth Circuit from a final order denying Plaintiffs' Motion for Relief from Order on Summary Judgment Pursuant to Federal Rule of Civil Procedure 60 entered in this action on November 8, 2012. Plaintiffs' Motion for Relief from Order on Summary Judgment Pursuant to Federal Rule of Civil Procedure 60 was filed in response to a judgment granting Defendants' Motion for Summary Judgment filed July 13, 2012. Plaintiffs hereby appeal from the order denying Plaintiffs' motion to reconsider and vacate, and the judgment dismissing Plaintiffs' case with prejudice.

Respectfully Submitted,

  
J.B. Peacock, Jr.  
State Bar No. 15678500  
David M. Vereeke  
State Bar No. 20547500  
Tracy M. Turner  
State Bar No. 24076743

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ATTORNEYS FOR PLAINTIFFS

**CERTIFICATE OF SERVICE**

The following document was served on Mr. Richard A. Illmer (and all parties receiving electronic service) per the local and federal rules of procedure via either forwarding same as first-class mail with the United States Postal Service or by causing same to be filed in this case via electronic transmission via portable document format (.pdf) to the EM/ECF Internet web portal for this Court in this Case on 7 day of December, 2012.

  
Of Gagnon, Peacock & Vereeke, P.C.